IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4499 of 2006
Date of Decision: August 29, 2006

Deepak Arora .....Petitioner

versus

Smt. Urmila Kumari and others .....Respondents

Present:- Shri V.K. Sandhir, Advocate, for the petitioner

HEMANT GUPTA, J.

The plaintiff is in revision petition aggrieved against the order passed by the learned District Judge, Amritsar, on 19.08.2006 whereby the suit filed by the petitioner was ordered to be transferred from Amritsar to the competent court of jurisdiction at Ajnala.

It was found by the learned District Judge that earlier the petitioner has filed a suit for injunction at Ajnala but the same was withdrawn. Still further, in another suit filed by Smt. Urmila Kumari for injunction, the plaint was ordered to be presented at Ajnala. Still further, it has been found that the relief claimed in the present suit is substantially the same as claimed in the earlier suit and it will be expedient if the suit is decided by the competent Court at Ajnala.

Learned counsel for the petitioner has vehemently argued that an application filed by the defendant under Order 7 Rule 10 of the Code of Civil Procedure, 1908, was decided on 4.4.2006 and on 5.4.2006, the

respondent moved an application for transfer of the suit. It is, thus, argued that such transfer application lacks bona fide.

The application under section 24 of the Code of Civil Procedure, 1908, presupposes the territorial jurisdiction of the Court at Amritsar. However, the learned District Judge has passed an order of transfer of suit on the ground that two suits between the parties were filed at Ajnala and, therefore, it will be expedient if the present suit is also tried by a competent court at Ajnala. The distance between Amritsar and Ajnala is around 50 Kms. The dispute in the suit is regarding installation of petrol pump which falls within the Sub Division of Ajnala.

Consequently, I do not find any patent illegality or material irregularity in the order passed by the trial Court on 19.08.2006 warranting interference by this Court in exercise of its revisional jurisdiction under Article 227 of the Constitution.

Dismissed.

August 29, 2006 (HEMANT GUPTA)
ks JUDGE